

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON M. BURROW, and SHAWNA
L. BURROW,

Plaintiffs,

V.

SUNKIDD VENTURE, INC., d/b/a
AMERICAN BONDED COLLECTION,
DAVID MILLSAP and JANE DOE
MILLSAP, husband and wife,
SHANE O. NEES and JANE DOE
NEES, husband and wife.

Defendants.

NO. CV-08-176-EFS

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT JANE
DOE MILLSAP'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on Defendant's Motion of Defendant Jane Doe Millsap for Summary Judgment. ECF No. [21](#). Ms. Millsap, who is now named Paulina Rauenzahn, asks the Court to dismiss Plaintiffs Jason and Shawna Burrow's (collectively "Plaintiffs") Complaint as it relates to her, because the debt collection actions of her now-deceased husband, David Millsap, did not benefit the marital community. On January 4, 2012, Plaintiffs filed a Statement of No Objection, ECF No. [27](#), in which they state their non-opposition to Ms. Rauenzahn's motion. Accordingly, the Court grants Ms. Rauenzahn's motion in this regard and dismisses Defendant Jane Doe Millsap from the case.

1 Ms. Rauenzahn also seeks an award of reasonable attorney's fees and
 2 costs, arguing that Plaintiffs are pursuing their claim against her in
 3 bad faith and for the purpose of harassment. However, in light of the
 4 absence of factual support for Ms. Rauenzahn's allegations of bad faith,
 5 as well as Plaintiffs' non-opposition to her dismissal motion, the Court
 6 finds that an award of attorney's fees and costs is not appropriate at
 7 this time.

8 For the reasons discussed above, **IT IS HEREBY ORDERED:**

9 1. Ms. Rauenzahn's Motion of Defendant Jane Doe Milsap for Summary
 10 Judgment, **ECF No. 21**, is **GRANTED in part** (summary judgment) and **DENIED**
 11 **in part** (attorney's fees and costs).

12 2. All claims against Jane Doe Millsap are **DISMISSED**.

13 3. In light of the dismissal of both Mr. Millsap and Ms. Rauenzahn
 14 from this case, see ECF No. 18, the case caption is hereby **AMENDED**. All
 15 future filings in this matter shall bear the following caption:

16 JASON M. BURROW, and SHAWNA L.
 17 BURROW,
 18 v.
 19 SUNKIDD VENTURE, INC., d/b/a
 20 AMERICAN BONDED COLLECTION, and
 SHANE O. NEES and JANE DOE NEES,
 husband and wife,
 Defendants.

21 **IT IS SO ORDERED.** The District Court Executive is directed to enter
 22 this Order and provide copies to counsel.

23 **DATED** this 27th day of January 2012.

24
 25

s/Edward F. Shea
 26 EDWARD F. SHEA
 United States District Judge